

Application Serial No. 09/769,514

REMARKS

1. Applicant thanks the Examiner for his findings and conclusions.
2. It should be appreciated that Applicant has elected to amend Claims 1, 8, and 14 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

- Amendments herein to Claims 1, 8, and 14 were not made for any reason related to patentability. As for Claims 1 and 14, changes were implemented to clarify the invention. Claim 8 and 14 were amended to conform with standard claim drafting practices. None of the foregoing amendments is related to the pending rejections; all amendments were made for reasons other than patentability.

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3. The disclosure is objected to because of the following informalities:

On page 2, paragraph 0005, line 7, change "menas" to "means".

On page 3, paragraph 0010, line 2, change "providing" to "provided"

- 25 Respectfully, the amendment previously filed on May 18, 2005 corrected the above identified informalities. Particularly, the above identified amendment included:

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In the specification:

Please amend the specification on page 2, paragraph 0005 as provided herewith:

5 [0005] The value added services are sponsored in exchange for the user accepting a condition to receive advertisement from the sponsor on its products and/or services. The advertisement itself may have the look and feel of the web interfaces by which the user gains access to internet services and/or tools related to those value-added services sponsored by the company. For example, the advertisement may be in the form of banners, e-mail, calendar or other message types; surveys or questionnaires, or any other type of communication means ~~menas~~-accessible to the user via the internet.

Please amend the specification on pages 3 and 4, paragraph 0010 as provided herewith:

15 [0010] Fig. 1 is an exemplary flow diagram illustrating the method in accordance with the present invention. Referring to Figure 1, a user is provided providing with access to an ISP server on the internet (step S1). This can be done using well-known interfaces (dial-up, ISDN, cable modem, etc.). Once a user has access to the web site of the ISP, he/she is provided with a menu screen of internet applications available on the server (Step S2). Additionally, the user is provided with a menu of services that are free of charge (Step S3) along with a menu listing of those companies or businesses that are the sponsors (Step S4) of the aforementioned free services in exchange for an agreement to use their applications, products, services, etc.

25 Accordingly, the objection of the disclosure is deemed to be improper. Further, in view of the above identified previous amendments to the specification, the objection of the disclosure is deemed to be overcome.

30 4. Claim 8 stands rejected under 35 U.S.C. § 112 as lacking sufficient antecedent basis for the claim limitation "said personal information".

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Applicant amends Claim 8 to correct dependent language to conform with antecedent language. Support for this amendment is found at least in Claim 7. Accordingly, the rejection of Claim 8 under 35 U.S.C. § 112 as lacking sufficient antecedent basis is deemed to be overcome.

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5. Claims 1-4 and 9-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,425,010 (hereinafter "Alles") in view of U.S. patent no. 6,442,529 (hereinafter "Krishan").

10 As to Claims 1 and 15, respectfully the Applicant disagrees. Neither Alles nor Krishan teach or describe the required claim element of a skin. Those skilled in the art immediately recognize that a skin is distinct from a banner advertisement. A skin is part of a desktop while a banner is placed on the desktop. Two analogies are used to distinguish a skin from a banner advertisement. First, skin
15 is like a wall of bricks or a brick in the wall of the desktop, while a banner is like a picture hanging on the wall. Second, the term computer skin is derived from the analogous skin of a person. Skin goes with the person just as a computer skin goes with the desktop. In this second analogy, a banner advertisement is equivalent to clothes worn over the skin of the person. A banner ad pops up on a
20 web page or is a display box on a web page while a skin is part of the desktop.

Several definitions of banner ads are provided for clarity:

A first definition provided by www.marketconscious.com/dict.htm is that a
25 banner ad is:

- a standard, rectangular Web ad that links to another site.

A second definition of a banner ad provided by www.globalspex.com/support/webdesign_definitions.php reads:

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- one of the primary methods of advertising on the Internet. They are usually small graphics with a very brief advertising message.

A third definition is provided by www.indianlinkexchange.com/temp/glosarry.html

5 that defines a banner ad as:

- or ad banner, also known as online ad, is a graphics image linked to an advertiser's website. The online ad industry has nine standard sizes for banner ads, but the most common is 468 pixels wide by 60 pixels tall, with a pixel being equivalent to one

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screen dot.

In stark contrast, a skin changes the look of the interface. Skins are used, for example, to give an entirely different look to an interface than what the interface originally came with. For example, a skin is used to change such elements as

15 background images or borders that did not originally come with the browser. Thus, a skin changes the appearance of the browser itself, while a banner ad appears on the browser.

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A definition of skin is provided by the online encyclopedia webopedia, which is

20 recognized in the art.

The reference site of <http://www.webopedia.com/TERM/s/skin.html> defines skin as:

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An element of a graphical user interface that can be changed to alter the look of the interface without affecting its functionality. Skins can give an interface an entirely different look than what it originally came with.

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Skins are often used to change the look and feel of a Web browser, altering the appearance and/or location of buttons, providing background images or borders that did not originally come with the browser, changing the colors and/or other graphic elements, or even changing the shape of the browser window.

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As an example contrasting a skin from a banner ad, if a sponsor were a basketball organization, the background might contain outlines of basketballs, a court, and/or have orange basketball lines or patterns and the border of the skin might name league teams or display a series of team logos. In stark contrast to the look and feel of the skin web background, banner ads might pop up or be displayed in banner windows on the web page, where the web page has a skin having a look and feel or skin of the basketball organization. Those skilled in the art know that a banner ad is distinct from a skin.

10 Claims 1 and 15

As the Examiner states: "Alles fails to explicitly teach the limitation of wherein said internet application selected by said user takes on a look and feel of the selected sponsor of the free service; wherein aid look and feel comprises a skin". Further, Krishan does not teach a skin. In stark contrast, Krishan teaches banner ads. For example, Krishan teaches at Figures 7 and 8 a banner ad 64, referred to as a message window. Indeed, Krishan teaches at column 19, lines 37-38 that the banner ad is displayed in front of the main browser window. As described, *supra*, a banner ad is displayed on the browser window, which is distinctly different from a skin that is part of the browser window. Krishan at column 19, lines 52-54 further describes the banner ads 64 as small windows that only partially blocks the browser window. Again, a banner add is displayed on a portion of the browser window while the skin is the look and feel of the browser window itself. Hence, Claims 1 and 15 having the required subject matter of a skin is not taught Krishan and is not taught by Alles by admission. Accordingly, the rejection of Claims 1 and 15 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Alles in view of Krishan is deemed to be improper.

In order to further distinguish Claim 1 from the cited art, Applicant amends Claim 1 to clarify that the skin comprises at least one of a background image, a border

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appearance of a button, location of a button, and shape of the internet application. Support for the amendment to Claim 1 is found at least in previously amended paragraph [0013], lines 4-10. As described, *supra*, neither Alles nor Krishan teach or suggest altering the application itself, but merely place banner
5 ads onto the application. Further, neither Alles nor Krishan teach or describe the presentation of a background image, border, button appearance, or shape of the internet application. Hence, not all of the required elements of amended Claim 1 are described by the combination of Alles and Krishan. Accordingly, the rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being
10 unpatentable over Alles in view of Krishan is deemed to be overcome.

Claim 14 is amended to correct dependency language resulting from the above described amendment to parent Claim 1 and to further limit Claim 14.

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6. Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alles in view of U.S. patent publication no. 2002/0078059 (hereinafter "Urera").

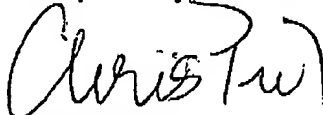
20 As to Claims 5-8, in view of the above described amendment to parent Claim 1, the current rejection under 35 U.S.C. § 103(a) as being unpatentable over Alles in view of Urera is rendered moot.

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CONCLUSION

In view of the above, this application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections and objections, allowing the application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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